

# **PRACTICE NOTICE**

## **RE: PRELIMINARY SEARCH & REGISTRAR'S ADVICE**

### **CURRENT PRACTICE**

The practice of the Trade Marks Registry over the years has been to provide, upon the request of interested parties, a Preliminary Search and Registrar's Advice in regard to proposed trade mark applications. The request is submitted in the form of a letter addressed to the Jamaica Intellectual Property Office. The letter should indicate that a Preliminary Search, or a Preliminary Search and Registrar's Advice, is being requested and should **include the following:**

1. An exact representation of the Trade Mark to be searched (whether word and/or logo);
2. The selected classes according to the Nice Classification of goods and services;
3. The corresponding goods and/or services.

### **NEW PRACTICE**

In an effort to carry out the preliminary search and examination more efficiently, the request for a Preliminary Search and Registrar's Advice **must also state:**

4. Whether the mark is being used;
5. The name, nationality and address of the applicant who will be seeking to register the Trade Mark.

### **FEES**

Section 31 (b) of the Trade Marks Amendment Rules 2011 is the basis of the fees we charge for preliminary searches. The section speaks to "*any matter or action to be taken not otherwise charged - \$2,200.00*". Under the current practice, Section 31 (b) of the Trade Marks Amendment Rules 2011 is interpreted to apply to all preliminary searches, irrespective of the number of classes to be searched.

### **NEW PRACTICE**

The new practice is that the fee for Preliminary Searches is now **\$2,200.00 per class**, each search in each class being treated as an action to be taken. This properly takes into account the extent of additional work to be done for manual searches in each additional class. This Practice Notice is effective immediately.

Trade Marks Registry  
Jamaica Intellectual Property Office  
November 20, 2012